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JUDGE WOOD

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SWEET PEOPLE APPAREL, INC.
d/b/a MISS ME,

Plaintiff,

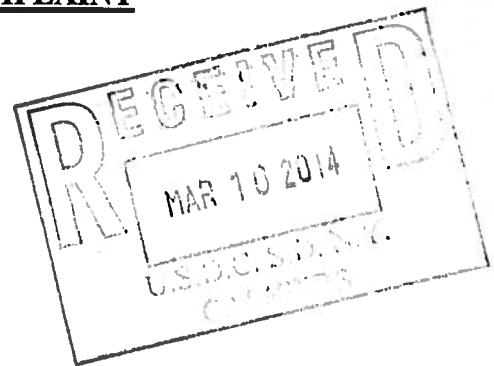
- against -

LAZEON CORP., XYZ COMPANIES 1-10, and
JOHN AND JANE DOES 1-10,

Defendants.

Civil Action No. **14 CV 1647**

COMPLAINT



Plaintiff Sweet People Apparel, Inc. d/b/a Miss Me ("Sweet People"), by and through its undersigned counsel, complains of Defendant Lazeon Corp. ("Lazeon"), XYZ Companies 1-10, and John and Jane Does 1-10 (collectively "Defendants"), and alleges as follows:

NATURE OF THE ACTION

1. This action concerns Defendants' willful infringement of Sweet People's federally-registered copyright for its unique JP5498B Design, which is applied to the rear pockets of MISS ME brand jeanswear products.
2. Upon information and belief, Defendants are manufacturing, importing, advertising, promoting, selling and/or offering for sale, and/or are causing to be manufactured, imported, advertised, promoted, sold and/or offered for sale, without Sweet People's consent or

authorization, jeanswear products that incorporate a design which infringes Sweet People's JP5498B Design.

JURISDICTION AND VENUE

3. This action is for infringement of a federally registered copyright under 17 U.S.C. § 501(a).

4. This Court has original jurisdiction over the subject matter of this action pursuant to 17 U.S.C. § 101, *et seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is properly founded in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400, because Defendants are either subject to personal jurisdiction within this judicial district, and/or because a substantial part of the events giving rise to Plaintiff's claims occurred within this judicial district.

THE PARTIES

6. Plaintiff Sweet People is a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 4715 S. Alameda Street, Los Angeles, California 90058.

7. Upon information and belief, Defendant Lazeon is a corporation organized and existing under the laws of the State of New York, having its principal place of business at 246 West 38th Street, 2nd Floor, New York, New York 10018.

8. Upon information and belief, Defendant Lazeon is acting in conjunction with various Defendant XYZ Companies, denoted here as Defendant XYZ Companies 1-10, and John and Jane Does 1-10, whose identities are not presently known. If the identities of these parties become known, Plaintiff will amend the Complaint to include the names of these additional corporations and individuals.

FACTS GIVING RISE TO THIS ACTION

9. Sweet People manufactures, promotes, sells and distributes high-quality jeanswear and denim products throughout the United States, including in this judicial district, under the MISS ME brand name. Sweet People's line of MISS ME brand jeanswear products is sold by such well-known fashion retailers and department stores as Macy's, Dillard's and The Buckle, both in-store and online, including within this judicial district.

10. Sweet People is the owner of valid and subsisting U.S. copyright registrations covering many unique and innovative designs and artwork it has created and applied to its apparel products. One such copyright registration, U.S. Copyright Registration No. VA 1-885-014, issued on December 23, 2013, for Sweet People's JP5498B Design. Attached hereto as Exhibit A is a true and correct copy of the U.S. Copyright Office copyright registration certificate for Sweet People's JP5498B Design, along with a photograph of the JP5498B Design as used by Sweet People on the rear pockets of its MISS ME jeanswear products.

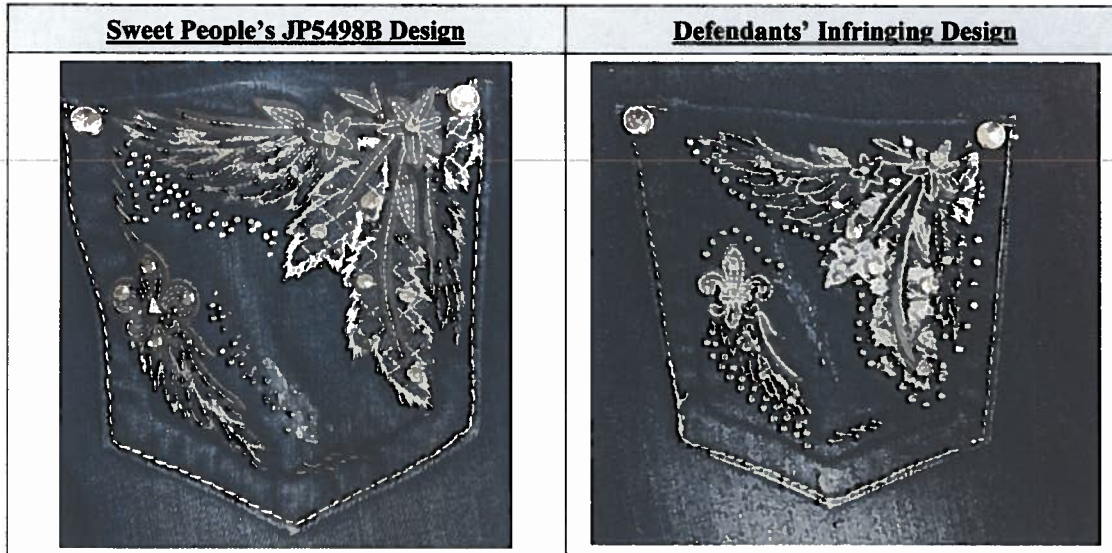
11. The JP5498B Design was created by Sweet People in 2011, and has been in continuous use by Sweet People on jeanswear products since at least as early as July 23, 2012. Sweet People owns all right, title and interest in and to the JP5498B Design, which constitutes original and copyrightable subject matter under the U.S. Copyright Act.

12. Sweet People has duly complied with all relevant requirements of the U.S. Copyright Act with respect to the JP5498B Design copyright.

13. Upon information and belief, Defendants are manufacturing, importing, advertising, promoting, selling and/or offering for sale, and/or are causing to be manufactured, imported, advertised, promoted, sold and/or offered for sale, without authorization or license from Sweet People, jeanswear products which incorporate a design and/or artwork that is a copy of, and substantially similar in overall appearance to, Sweet People's JP5498B Design (the

“Infringing Design”). Attached hereto as Exhibit B is a photograph of an article of Defendants’ TOXIC brand jeanswear featuring the Infringing Design.

14. A photographic comparison of Sweet People’s JP5498B Design and Defendants’ Infringing Design is set forth below:



15. Upon information and belief, Defendants were aware that Sweet People’s JP5498B Design was a well-known, original design of Sweet People at the time they began using the Infringing Design on their TOXIC brand jeanswear products. Accordingly, Defendants have been engaging in the above-described unlawful activities knowingly and intentionally, and/or with reckless disregard for Sweet People’s rights in the JP5498B Design.

16. Upon information and belief, Defendants intend to continue to manufacture, import, export, distribute, supply, advertise, promote, offer for sale and/or sell, or cause to be exported, distributed, supplied, advertised, promoted, offered for sale and/or sold, products bearing the Infringing Design, unless otherwise restrained by this Court.

CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)

17. The allegations set forth in paragraphs 1 through 16 hereof are adopted and incorporated by reference as if fully set forth herein.

18. Sweet People is the owner of a U.S. copyright registration for the JP5498B Design (U.S. Copyright Registration No. VA 1-885-014), which registration is in full force and effect.

19. Defendants, without authorization or approval from Sweet People, have designed, created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold, or has caused to be designed, created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold, jeanswear products incorporating a design that was, upon information and belief, deliberately copied from, and is substantially similar in overall appearance to Sweet People's JP5498B Design.

20. Defendants have thereby willfully infringed and, upon information and belief, are continuing to willfully infringe Sweet People's copyright in the JP5498B Design.

21. By their acts, Defendants have made and will continue to make substantial profits and gains to which it is not in law or in equity entitled.

22. Defendants intends to continue their willful conduct, and will continue to willfully infringe Sweet People's copyright in the JP5498B Design, and to act in bad faith, unless restrained by this Court.

23. Defendants' acts have damaged and, unless enjoined, will continue to irreparably damage Sweet People, and Sweet People has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sweet People demands judgment against Defendants as follows:


1. Finding that Defendants engaged in willful copyright infringement in violation of 17 U.S.C. § 501 against Sweet People.
2. That Defendants and all of those acting in concert with them, including their agents and servants, and all those on notice of this suit, be permanently enjoined from designing, manufacturing, importing, exporting, distributing, supplying, advertising, promoting, offering for sale and/or selling any products which bear the Infringing Design, or any other designs substantially similar in overall appearance to Sweet People's JP5498B Design.
3. That Defendants be required to recall all infringing items and advertising and promotional materials, and thereafter deliver up to Sweet People for destruction all infringing designs, artwork, packaging, advertising and promotional materials, and any means of making such items.
4. That Defendants be directed to file with the Court and serve upon Sweet People within thirty (30) days after service of the judgment upon them, a written report under oath setting forth in detail the manner in which they have complied with the requirements set forth above in Paragraphs 2 and 3.
5. That Defendants be directed to account to Sweet People for their profits arising from the conduct complained of herein, pursuant to 17 U.S.C. § 504.
6. That Defendants pay to Sweet People the costs and disbursements of this action.
7. That Sweet People be awarded pre-judgment and post-judgment interest on any monetary award made part of the judgment against Defendants.

8. That Sweet People be awarded such additional and further relief as the Court
deems just and proper.

Dated: New York, New York
March 10, 2014

ARNOLD & PORTER LLP

By:



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*Attorneys for Plaintiff Sweet People
Apparel, Inc. d/b/a Miss Me*

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
VA 1-885-014

Effective date of
registration:
December 23, 2013

Title

Title of Work: JP5498B

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: July 23, 2012

Nation of 1st Publication: United States

Author

■ Author: Sweet People Apparel, Inc.

Author Created: Artwork Applied To Clothing

Work made for hire: Yes

Domiciled in: United States

Copyright claimant

Copyright Claimant: Sweet People Apparel, Inc.

4715 S. Alameda Street, Los Angeles, CA, 90058, United States

Certification

Name: Matthew T. Salzmann

Date: December 23, 2013

Applicant's Tracking Number: 21406.002



EXHIBIT B

